IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 7TH NOVEMBER 2006 / 16TH KARTHIKA 1928

Bail Appl..No. 6124 of 2006

CRIME NO.659/2006 OF CHAVARA POLICE STATION

PETITIONER/ACCUSED

LATHA, D/O.DAMODHARAN NAIR,
PITHAMBIL VEEDU, MEKKADU, CHAVARA P.O.,
KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, CHAVARA POLICE
STATION THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6124/2006

DATED THIS THE 7TH DAY OF NOVEMBER, 2006

O R D E R

The petitioner was the Secretary of a society, 'Akshara', a unit under the Development of Woman and Children in Rural Scheme (DWCRA) at Chavara. As per the Government scheme, a loan was obtained from the local bank and certain machineries were purchased. On operation, it was found to be defective. Therefore, they had approached the Consumer District Forum, Thiruvananthapuram.

2. After considering the contentions of both sides, the consumer forum awarded an amount of Rs.43,000/- as compensation to the society, and Keltron, which supplied the machineries, had paid that amount. It is alleged that the Secretary, though received the said amount of Rs.43,000/-, did not credit the same to the account of DWCRA. On complaint of the other members of the society, Chavra police Station authorities registered crime

No.659/2006 of that police station, for the offence punishable under Section 409 IPC.

3. The petitioner contends that she had received the amount of Rs.43,000/-, and credited the same to the account of the society. Therefore, the allegation, that she did not account the amount in the name of the society, will not lie, submits the counsel. It is also further submitted by the learned counsel that the bank, which issued the loan, had also certified that there is no amount outstanding against the society, with that bank. The counsel also produced the documents to show that the amount of Rs.43,000/-, received from keltron, had been credited to the account of the society.

4. In the above facts situation, I direct the petitioner to surrender before the Investigating Officer, who is investigating crime No.659/2006 of Chavara Police Station, on 14.11.2006 at 10.00 a.m.

5. The Investigating Officer shall interrogate the petitioner and in the event of the arrest of the petitioner, she shall be released on bail, on she executing a bond for

Rs.15,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting her.

6. The petitioner shall appear before the Investigating Officer, as and when required, for the purpose of the completion of the investigation, so that the Investigating Officer could interrogate her and complete the investigation, basing on the records. However, this shall be done on or before 30.12.2006.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs